IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 23329 of 2006(B)

LAR.114/1979 of PRINCIPAL SUB COURT,KOLLAM

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PETITIONER:

THE KERALA MINERALS & METALS LTD.,
SANKARAMANGALAM, CHAVARA, KOLLAM,
REP. BY ITS COMPANY SECRETARY.

BY ADV. SRI.U.K.RAMAKRISHNAN, SC. KMML
SRI.E.K.MADHAVAN
SRI.P.V.LOHITHAKSHAN
SRI.V.KRISHNA MENON

RESPONDENTS:

1. N.BALAKRISHNA KURUP, NANGATERIL VEEDU,
KOICKAL BHAGAM MURI, KIZHAKKE KALLADA
VILLAGE, PANMANA VILLAGE, KOLLAM DIST.

2. STATE OF KERALA REP. BY
DISTRICT COLLECTOR, KOLLAM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P. Balachandran, J.

W.P.(C)No. 23329 of 2006 B

JUDGMENT

The petitioner, Kerala Minerals & Metals Ltd., is the requisitioning authority in connection with the acquisition of land, inter alia, lands comprised in L.A.R.Nos.114/79 and 207/79 on the file of the Principal Sub Court, Kollam. In execution of the award passed by the Sub Court, it is submitted, the execution court recorded full satisfaction of the decree, but, thereafter the first respondent filed another execution petition on 16.3.1995, claiming more amounts and the execution court assessed the amount due to the first respondent at Rs.1,05,469.19, vide Exhibit P5 order and that this is adjudged without the petitioner on the party array. The petitioner, no doubt, is an aggrieved party, as the acquisition was at their instance and whatever is the excess amount found payable is to be paid by them only and

it is only proper that they are also heard before adjudging the exact amount due to the first respondent under the decree.

2. In the result, in modification of Exhibit P5 order passed without the petitioner on the party array, I order that the execution court shall re-fix the amount, if any, payable to the first respondent, after hearing the petitioner as well.

This writ petition is disposed of with the above direction.

13th March, 2007 (K.P.Balachandran, Judge)

tkv